REMARKS/ARGUMENTS

Claims 1-16 and 19-24 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the following remarks.

Claim Rejections – 35 U.S.C. 101

Claims 19, 20 and 22 are rejected under 35 U.S.C. 101 as being non statutory subject matter. Applicant respectfully disagrees.

The Examiner asserts that the "claimed system comprising of an intermediate component, a processor unit and a communication interface are considered as software program". (See Office Action dated January 10, 2008; Section 2) However, the Applicant's Specification details that the intermediate component may be implemented as "a proxy component in the form of a piece of software running on the first or the second component of the communications network" or "a hardware solution, the intermediate component may be constituted by a separate piece of hardware like a proxy server arranged between the first and the second component in the communications network". (Applicant's Specification, page 7, lines 3-8) As such, the Applicant asserts that the present claims recite the necessary structure. Applicant asserts that dependent claims 21, 23, and 24 also recite the necessary structure. Withdrawal of the rejection is respectfully requested.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 1-16 and 19-24 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Bhagwat et al. (US 6563517) (Bhagwat) in view of Keshav, Srinivasan "An engineering approach to computer networking: ATM networks, the internet, and the telephone network", Addison-Wesley, 1997 (Keshav). Applicant respectfully disagrees.

Bhagwat discloses dynamically adjusting transcoding parameters so as to increase the benefits of transcoding. Methods of adaptation are designed to cope with the variability of network characteristics and of the size of transcoded images. The

invention also provides a method and apparatus to enable the transcoding proxy to adjust a quality-size tradeoff on a per-image and/or a per-client basis. The adaptive transcoder chooses different parameters for each object, and provides performance improvements. The invention further provides a general framework for making policy decisions taking into account available bandwidth, content and type of image, and user preferences. The invention also includes methods for generating feedback about the choice of optimal transcoding parameters to the user. (Bhagwat, Abstract)

Keshav discloses a link scheduler. (Keshav, Section 4.2.2) In addition Keshav also discloses the degrees of freedom in designing a scheduling discipline. (Keshav, Section 9.3)

The Examiner's attention is directed to the fact that neither Bhagwat nor Keshav discloses "suspending a connection to avoid wasting available bandwidth", as recited in independent claim 1. Independent claims 14, 19, 20, and 22 recite similar elements.

In contrast Bhagwat discloses changes to a transcoding policy (Bhagwat, col. 4, lines 47-49) using a dynamic policy module (Bhagwat, Fig. 3, element 370). The transcoding policy module only makes decisions about when to turn transcoding on and off and what transcoding policy to use. (Bhagwat, col. 3, lines 51-55) The transcoding policy module of Bhagwat is only concerned with the transcoding of image objects embedded inside documents. (Bhagwat, col. 1, line 15) As such, the transcoding policy module does not use its current estimate of the bandwidth on the proxy-to-client and server-to-proxy links for suspending a connection in order to avoid wasting available bandwidth, as recited by Applicant's independent claims.

The Examiner concedes that Bhagwat fails to disclose dynamically assigning a priority to the requested object, wherein an initial priority has been assigned to the requested object on the basis of an analysis of at least one of the object request and the code that refers to the requested object: and depending on the priority of the requested object, the intermediate component delaying the requested object or forwarding the requested object to the second component. In order to cure the Examiner's perceived deficiciency of Bhagwat, Keshav is cited.

As stated above, Bhagwat fails to teach, disclose, or suggest suspending a connection in order to avoid wasting available bandwidth. The Keshav reference does not cure this deficiency.

As such, Applicant respectfully asserts that independent claims 1, 14, 19, 20, and 22 are patentable over the combination of Bhagwat and Keshav. Claims 2-13, 15, 16, 21, 23, and 24 are patentable at least by virtue of depending from their respective base claim.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted.

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